

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
)	
NATIONAL FORGE COMPANY, <i>et al.</i>)	
)	
Debtor.)	
)	
OFFICIAL COMMITTEE OF)	
UNSECURED CREDITORS OF)	
NATIONAL FORGE COMPANY,)	
)	
Plaintiff)	
)	
And)	
)	
OFFICIAL COMMITTEE OF RETIREES)	
OF NATIONAL FORGE COMPANY,)	
)	
Intervenors)	
)	C.A. No. 04-21 ERIE
v.)	
)	
E. ROGER CLARK, <i>et al.</i>)	
)	
Defendants)	

MOTION TO EXTEND DEADLINES
IN THE CASE MANAGEMENT ORDER

AND NOW, comes The Official Committee of General Unsecured Creditors of National Forge Company (the "Plaintiff") by and through its counsel, and hereby move, pursuant to Fed.R.Civ.P. 16(b), Local Rule LR 16.1.2.E and Paragraph 3(b) of the Case Management Order, to Extend Deadlines in the Case Management Order.

1. On June 9, 2006, this Court entered an Order granting Summary Judgment as to Counts I through VII of the Plaintiff's Eight Count Complaint in favor of all Defendants and granting Summary Judgment as to Count VIII of the Complaint in favor of all Defendants except

E. Roger Clark, Maurice J. Cashman, Dana Beyeler, Robert A. Kaemmerer and Ashtok Khare (referred to hereinafter as the “June 9th Order”).

2. As a result of the entry of the June 9th Order, the only remaining Count of the Plaintiff’s Complaint (Count VIII) asserts claims against the remaining Defendants for Breach of Fiduciary Duty and arises out of the same set of facts and circumstances as those plead in Counts I through VIII.

3. The basis of this Court’s decision to grant summary judgment on Count I, II, III and VII rests under this Court’s conclusion that the transfer at issue was an “integrated” transaction and that the “safe harbor” provisions of Section 546(e) of the Bankruptcy Code barred the claims asserted by the Plaintiff in said Counts. *See* 11 U.S.C. §546(e).

4. On July 5, 2006, the Plaintiff filed a Motion Under F.R.C.P. No. 54 to Have The District Court’s Order of Judgment Dated June 9, 2006 Determined to be a Final Order And Subject To Immediate Appeal (the “Rule 54 Motion”).

5. By Order of dated July 6, 2006, this Court granted the Plaintiff’s Rule 54 Motion (the “July 6th Order”).

6. On July 12, 2006, the Plaintiff filed a Notice of Appeal with respect to this Court’s June 9th and July 6th Orders (the “Appeal”).

7. The current Case Management Order provides that discovery is set to close on August 3, 2006.

8. In May 2006 and June 2006, the Plaintiff propounded substantial discovery requests upon the Defendants. To date, no responses from the Defendants have been received.

9. Since the time Plaintiff served its discovery requests, seven (7) of the eight (8) counts were dismissed by this Court's June 9th Order. As such, the Plaintiff's discovery requests may need to be modified relative to the remaining Count.

10. Additionally, on July 12, 2006, the Plaintiff filed a Motion To Stay Count VIII of the Complaint Pending Resolution of the Appeal (the "Motion for Stay").

11. In the event this Court were to grant the Motion for Stay, this instant Motion would become moot.

RELIEF REQUESTED

12. Given the procedural posture of this case, this Court's June 9th Order and the pending Motion for Stay, the Plaintiff would request that the discovery deadlines set forth in the Case Management Order be extended by sixty (60) days to offer the Plaintiff to modify its written discovery request and take the necessary depositions. Attached is a proposed Case Management Order setting forth the requested discovery extensions.

13. The Plaintiff submits that no party will be prejudiced by an extension of the discovery deadlines set forth in the current Case Management Order.

WHEREFORE, the Plaintiff requests that this Court enter a Modified Case Management Order in substantially the form of the proposed Modified Case Management Order attached hereto.

Respectfully submitted,

/s/ John M. Steiner

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